

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 27, 2007**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, August 27, 2007, with President Gray presiding.

Councillor Gibson led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
1 ABSENT: Langsford

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Vaughn recognized candidate for Mayor Greg Ballard. Councillor Borst recognized former State Representative Ed Mahern.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE
COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND
MARION COUNTY, INDIANA

Journal of the City-County Council

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 27, 2007, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

August 14, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 70, 2007 – appropriates \$610,000 in the 2007 Budget of the Department of Metropolitan Development (Redevelopment General Fund) to grant funds for use by Clarian Health within the Biocrossroads Certified Technology Park, for the construction of a pedestrian bridge between two of its facilities, for sidewalk improvements and streetscape design, upgrading sewer and water services and for project management of these improvements

FISCAL ORDINANCE NO. 71, 2007 – appropriates \$53,761 in the 2007 Budget of the Department of Metropolitan Development (Consolidated County Fund) to fund salaries and benefits for two Legal Case Specialists to work with the abandoned vehicle and weed programs as well as with ordinance violations, financed by Permit revenues accounted for in the Consolidated County Fund

FISCAL ORDINANCE NO. 72, 2007 – approves an increase of \$569,360 in the 2007 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), for 2007-2008 Urban Search and Rescue Task Force operations, financed by grants from the US Department of Homeland Security-Federal Emergency Management Agency

FISCAL ORDINANCE NO. 73, 2007 – appropriates \$375,579 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) to purchase 12 cameras for the Indianapolis Marion County Camera Project and to fund overtime for the Fatal Crash Reduction Effort and the High-Risk Robbery Initiative

FISCAL ORDINANCE NO. 74, 2007 – appropriates \$3,488,171 in the 2007 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to fund juvenile and adult community corrections programs during the period July 1, 2007 through June 30, 2008, financed by a grant from the Indiana Department of Corrections

GENERAL ORDINANCE NO. 37, 2007 – authorizes a multi-way stop at the intersection of 44th Street and Crown Street (District 8)

GENERAL ORDINANCE NO. 38, 2007 – amends the Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations

GENERAL ORDINANCE NO. 39, 2007 – establishes a 25-mile-per-hour speed limit in the Hartman Village (District 18)

GENERAL ORDINANCE NO. 40, 2007 – authorizes a one-way restriction and intersection controls on 73rd Street between Woodland Drive and Zionsville Road (District 1)

GENERAL ORDINANCE NO. 41, 2007 – authorizes a multi-way stop at the intersection of 44th Street and Sunset Avenue (District 8)

SPECIAL ORDINANCE NO. 3, 2007 – recommends the granting of an "Economic Development for a Growing Economy" Credit to Anaclim, LLC

SPECIAL ORDINANCE NO. 4, 2007 – recommends the granting of an "Economic Development for a Growing Economy" Credit to Angel Learning, Inc.

SPECIAL ORDINANCE NO. 5, 2007 – authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the Town of Plainfield related to the development of the PepsiCo Facility and related infrastructure construction and improvement

August 27, 2007

SPECIAL RESOLUTION NO. 38, 2007 – recognizes Judge Cale Bradford on his appointment to the second district of the Indiana Court of Appeal

SPECIAL RESOLUTION NO. 39, 2007 - authorizes the Office of Environmental Services to apply for grant assistance from IDEM to assist in funding services provided to residents through its ToxDrops Program

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 6, 2007. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 362, 2007. The proposal, sponsored by Councillor Borst, honors the 2007 Class A State Softball Champions, Lutheran High School of Indianapolis. Councillor Borst read the proposal and presented representatives with copies of the document and Council pins. Councillor Borst moved, seconded by Councillor Plowman, for adoption. Proposal No. 362, 2007 was adopted by a unanimous voice vote.

Proposal No. 362, 2007 was retitled SPECIAL RESOLUTION NO. 40, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2007

A SPECIAL RESOLUTION honoring the 2007 Class-A State Softball Champions, Lutheran High School of Indianapolis.

WHEREAS, Lutheran High School of Indianapolis won the 2007 Class-A IHSAA State Softball Championship, Lutheran's second state championship in four years; and

WHEREAS, the Lutheran Saints, one of the smallest schools in the state, began the season by beating 4A-ranked Center Grove, two-time 4A State Champion Martinsville and many other schools in higher class categories; and

WHEREAS, the top-ranked Saints beat the number three-ranked Tecumseh 1-0 in an extra inning thriller; and in the six-game run to the state title, Lutheran scored 41 runs and only allowed two runs; and

WHEREAS, the Lutheran High Saints were lead by the only two seniors on the team, Colleen Prendnergast and IHSAA Mental Attitude Award winner Heather Korb; with a starting line-up of five Freshmen and one Sophomore, the youthful Lady Saints look to be strong for years to come; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly congratulates the 2007 Class-A IHSAA State Softball Champions, the Lutheran High School Saints.

SECTION 2. The Council congratulates Seniors: Colleen Prendnergast and Heather Korb; Juniors: Erin Moeller, Kierston Skipworth, Katie Burke, and Kara Allen; Sophomores: Alexis Davis and Jessica

Myers; Freshmen: Brandi Lawson, Kaila Overstreet, Morgan Lewis, Amanda Korb, Molly Burke, and Coree Tuggle; Head Coach: Don Pietz; and Assistant Coaches: Dennis Korb, Bob Stevens, Mike Ballard, Brad Lewis, Penny Lawson, and Kenny Colton.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 363, 2007. The proposal, sponsored by Councillor Pfisterer, recognizes the Old Speedway City Neighborhood Association. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Teacher Charles Bennett thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Borst, for adoption. Proposal No. 363, 2007 was adopted by a unanimous voice vote.

Proposal No. 363, 2007 was retitled SPECIAL RESOLUTION NO. 41, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2007

A SPECIAL RESOLUTION recognizing the Old Speedway City Neighborhood Association.

WHEREAS, the Old Speedway City Neighborhood Association (OSCNA) was presented the Inaugural Collaborative Spirit Award by the Indianapolis Neighborhood Resource Center for demonstrating ways in which a neighborhood association partnered with schools, businesses, and other organizations; and

WHEREAS, the Old Speedway City Neighborhood Association was also awarded the 2007 Neighborhood of the Year award given by the national organization, Neighborhoods USA; and

WHEREAS, under the guidance of Speedway Junior High social studies teacher, Mr. Charles Bennett, the eighth grade students completed a project of cataloging homes in the neighborhood and incorporated the information into an application for the Speedway historic designation; and

WHEREAS, in the fall of 2005, the historic designation was granted by the State of Indiana and the National Parks for the area of Main Street to Winton and 10th Street to 16th Street; and

WHEREAS, the eighth grade students contacted and met with area residents, as well as gave presentations of the results of their research at general meetings of the Old Speedway City Neighborhood Association; and

WHEREAS, Speedway and OSCNA were honored to have been chosen winners and were thankful to Mr. Bennett and all former Speedway Junior High School eighth graders. The curriculum developed by Mr. Bennett has sparked ideas on how other neighborhoods may become involved with local schools; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the partnering efforts of the Old Speedway City Neighborhood Association, along with Mr. Charles Bennett and the Speedway Junior High eighth grade students.

SECTION 2. The Council heartily congratulates OSCNA on receiving the Inaugural Collaborative Spirit Award and the 2007 Neighborhood of the Year Award and wishes them more successful future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Gray passed the gavel to Vice President Sanders.

PROPOSAL NO. 182, 2007. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 182, 2007 on August 7, 2007. The proposal, sponsored by Councillor Borst, establishes a special committee to investigate the Indianapolis Star's allegations against Councillor Monroe Gray. Councillor Boyd said that the Ethics Board investigated the allegations regarding conflict of interest and Councillor Gray was directed to edit his ethics form, and therefore this proposal is now a moot point. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Boyd moved, seconded by Councillor Gibson, to strike.

Councillor Borst said that the ethics board did not look into or address the correct issue. He said that Sec. 293-106 (c) should have been considered, and some inconsistencies still remain. He added that an investigation is still needed.

Councillor Schneider agreed and said that individuals are trying to quickly and quietly dispose of this matter, but it needs to see the light of day. He said that he would hope President Gray would welcome the opportunity to clear his name. He asked his fellow Councillors to reject the motion to strike.

Councillor Gray stated that he will abstain from voting on this matter to avoid the appearance of a conflict of interest.

The motion to strike Proposal No. 182, 2007 was ruled indecisive on the following roll call vote; viz:

*13 YEAS: Bateman, Boyd, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Moriarty
Adams, Nytes, Oliver, Pryor, Sanders
13 NAYS: Borst, Cain, Cockrum, Day, Keller, Lutz, McWhirter, Pfisterer, Plowman,
Randolph, Schneider, Speedy, Vaughn
1 NOT VOTING: Gray
1 ABSENT: Langsford*

Councillor Borst asked if other motions are in order at this time. General Counsel Aaron Haith stated that they are not in order at this time. Councillor Borst said that if the motion to strike failed due to an indecisive vote, then the matter should still be on the table for further action. He moved, seconded by Councillor Schneider, for adoption. Vice President Sanders said that another motion is out of order according to parliamentarian Mr. Haith. Councillor Borst said that Mr. Haith, as Councillor Gray's personal attorney, should recuse himself from making any ruling on this matter and he appealed the chair's ruling that his motion is out of order. Vice President Sanders stated that she will allow the motion and vote. The motion to adopt Proposal No. 182, 2007 was ruled indecisive on the following roll call vote; viz:

*13 YEAS: Borst, Cain, Cockrum, Day, Keller, Lutz, McWhirter, Pfisterer, Plowman,
Randolph, Schneider, Speedy, Vaughn
13 NAYS: Bateman, Boyd, Brown, Conley, Franklin, Gibson, Mahern, Mansfield, Moriarty
Adams, Nytes, Oliver, Pryor, Sanders
1 NOT VOTING: Gray
1 ABSENT: Langsford*

Vice President Sanders returned the gavel to President Gray.

PROPOSAL NO. 271, 2007. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 271, 2007 on June 18 and August 9, 2007. The proposal, sponsored by Councillors Gray, Brown and Conley, appoints Richard K. Bacon to the Indianapolis-Marion County Public Library Board. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gibson moved, seconded by Councillor Conley, for adoption. Proposal No. 271, 2007 was adopted by a unanimous voice vote.

Proposal No. 271, 2007 was retitled COUNCIL RESOLUTION NO. 70, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 2007

A COUNCIL RESOLUTION appointing Richard K. Bacon to the Indianapolis-Marion County Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Library Board, the Council appoints:

Richard K. Bacon

SECTION 2. The appointment made by this resolution is for a term ending May 31, 2011 pursuant to IC 36-12-2-16. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 331, 2007. Councillor Gibson reported that the Municipal Corporations Committee heard Proposal No. 331, 2007 on August 9 and 20, 2007. The proposal, sponsored by Councillors Gray and Mahern, appoints Michael Fitzgerald to the Beech Grove Public Library Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gibson moved, seconded by Councillor Sanders, for adoption. Proposal No. 331, 2007 was adopted by a unanimous voice vote.

Proposal No. 331, 2007 was retitled COUNCIL RESOLUTION NO. 71, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2007

A COUNCIL RESOLUTION appointing Michael Fitzgerald to the Beech Grove Public Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Beech Grove Public Library Board, the Council appoints:

Michael Fitzgerald

SECTION 2. The appointment made by this resolution is for a term ending on September 30, 2011 pursuant to IC 36-12-2-16. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

August 27, 2007

PROPOSAL NO. 346, 2007. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 346, 2007 on August 8 and 15, 2007. The proposal, sponsored by Councillor Keller, appoints Dan Young to the Marion County Community Corrections Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Keller, for adoption. Proposal No. 346, 2007 was adopted by a unanimous voice vote.

Proposal No. 346, 2007 was retitled COUNCIL RESOLUTION NO. 72, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2007

A COUNCIL RESOLUTION appointing Dan Young to the Marion County Community Corrections Advisory Board.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council re-appoints:

Dan Young

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2007. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualified.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 384, 2007. Introduced by Councillors Conley, Keller, Mansfield, Cain and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a public-private agreement between the Department of Public Works and White River Environmental Partnership for operation and maintenance of Advanced Wastewater Treatment Facilities and Wastewater and Stormwater Collection System"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 385, 2007. Introduced by Councillors Gibson, Gray, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2008 operating budget of the Health and Hospital Corporation"; and the President referred it to the Municipal Corporations Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 364, 2007, PROPOSAL NO. 365, 2007, PROPOSAL NO. 366, 2007, PROPOSAL NOS. 367-370, 2007 and PROPOSAL NOS. 371-383, 2007. Introduced by Councillor Mahern. Proposal No. 364, 2007, Proposal No. 365, 2007, Proposal No. 366, 2007, Proposal Nos. 367-370, 2007 and Proposal Nos. 371-383, 2007 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 17, 2007. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING

ORDINANCE NOS. 79-98, 2007, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 79, 2007.

2007-ZON-006 (Amended)

2040 EAST WASHINGTON STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

WILSON REAL ESTATE, INC., by Steven R. Hall, requests rezoning of 0.453 acre, from the C-2 District, to the C-3 classification to provide for general commercial uses.

REZONING ORDINANCE NO. 80, 2007.

2005-ZON-134

7306 WEST WASHINGTON STREET (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13.

ASHOK PATEL requests a rezoning of 1.4 acres, being in the D-5 District, to the C-3 classification to provide for a retail shop selling secondhand items.

REZONING ORDINANCE NO. 81, 2007.

2006-ZON-839

1820 AND 1838 EAST EPLER AVENUE (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

EDGEWOOD UNITED METHODIST CHURCH requests rezoning of 3.97 acres, from the D-3 District, to the SU-1 classification to legally establish a religious use.

REZONING ORDINANCE NO. 82, 2007.

2007-ZON-032

2128 & 2200 EAST HANNA AVENUE AND 3902 AND 3906 CARSON AVENUE (Approximate Addresses), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

UNIVERSITY HEIGHTS BAPTIST CHURCH, by David Kingen, requests rezoning of 7.58 acres, from the D-4, C-1 and C-4 Districts, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 83, 2007.

2007-ZON-049

3402 SOUTH EAST STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #23

JAMES E. CREWES, by Gregory Zubek, requests rezoning of 0.34 acre, from the D-3 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 84, 2007.

2007-ZON-051

5191 HARDING LANE (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 22

PRESNELL DEVELOPMENT, INC., by Tom Vander Luitgaren, requests rezoning of 0.933 acre, from the I-2-S (FF) District, to the C-7 (FF) classification to provide for high-intensity commercial uses.

REZONING ORDINANCE NO. 85, 2007.

2007-ZON-054

5202 EAST EDGEWOOD AVENUE (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25

BAIRD AND YOUNG, LLC, by David A. Retherford requests rezoning of 0.6 acre, from the D-A District, to the C-S classification to provide for C-1 uses.

REZONING ORDINANCE NO. 86, 2007.

2006-ZON-107

3302 BETHEL AVENUE AND 3301 VAN BUREN STREET, (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20

GURDIAL SINGH requests rezoning of 2.75 acres, from the D-A District, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 87, 2007.

2007-ZON-042

1851 AND 1919 SOUTH POST ROAD (Approximate Address), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

CANDACE L. MARENDT requests rezoning of two acres, from the C-4 and D-A Districts, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 88, 2007.

2007-ZON-045

1834 HOYT AVENUE AND 720 SOUTH RANDOLPH STREET (Approximate Address),
INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

Richard Larson requests rezoning of 0.178 acre, from the SU-1 District, to the D-5 classification to provide for residential uses.

REZONING ORDINANCE NO. 89, 2007.

2007-ZON-053

220 NORTH COUNTRY CLUB ROAD (Approximate Address), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

EAGLEDALE BAPTIST CHURCH, by Stephen R. Hall, requests rezoning of 23.854 acres, from the SU-34 (FW) (FF), SU-43(FW) (FF), D5-II (FW) (FF) and C-3 (FW) (FF) Districts, to the SU-1 (FW) (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 90, 2007.

2007-ZON-057

5120 MADISON AVENUE (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

GLENDALYN LYNCH requests rezoning of 1.32 acres, from the C-1 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 91, 2007.

2007-ZON-060

1703 SOUTH TIBBS AVENUE (Approximate Address), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

DELTA GAMMA AUTOMOBILE CORPORATION, by David Kingen, requests rezoning of 0.376 acre, from the I-2-U District, to the C-5 classification to provide for general commercial uses.

REZONING ORDINANCE NO. 92, 2007.

2007-ZON-062

1610 AND 1644 ROOSEVELT AVENUE (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

DECKER STORAGE, LLC & PHIL SCHAEFER, by David Kingen, requests rezoning of 2.13 acres, from the SU-1 and SU-7 Districts, to the C-3C classification to provide for corridor commercial uses.

REZONING ORDINANCE NO. 93, 2007.

2007-ZON-064

2779 NORTH RACEWAY ROAD (Approximate Address), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 6

COVENANT REAL ESTATE SERVICES, INC., by John W. Van Buskirk, requests rezoning of 16.3 acres, from the D-A District, to the D-4 classification to provide for residential uses.

REZONING ORDINANCE NO. 94, 2007.

2007-ZON-066

2302 EAST 38TH STREET (Approximate Address), INDIANAPOLIS
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 9

Jack A. Wilson, by Mitch Sever, requests rezoning of 0.22 acre, from the D-5 (W-1) District, to the C-5 (W-1) classification to provide for general commercial uses.

REZONING ORDINANCE NO. 95, 2007.

2007-ZON-072

2241 SOUTH RACEWAY ROAD (Approximate Address), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

A WEST SIDE STORAGE OF INDIANAPOLIS, by Robert V. Clutter, requests rezoning of six acres, from the I-2-S District, to the C-7 classification to provide for high-intensity commercial uses.

REZONING ORDINANCE NO. 96, 2007.

2007-ZON-806

1740 NORTH MERIDIAN STREET AND 1741 NORTH ILLINOIS STREET (Approximate Addresses), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

1752 N MERIDIAN STREET, LLC, by David Kingen, requests rezoning of 1.85 acres, from the C-4 (RC) District, to the C-S (RC) classification to provide for all C-3 and C-3C uses, a hotel and a parking garage.

REZONING ORDINANCE NO. 97, 2007.

2007-ZON-824

5140, 5142 AND 5144 MADISON AVENUE (Approximate Addresses), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

WILLIAM E. GENTRY / MADISON COURT ENTERPRISES, by Nancy A. Long, requests rezoning of 3.06 acres, from the D-1 District, to the C-3 classification to legally establish a commercial integrated center and to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 98, 2007.

2007-ZON-829

707 AND 749 EAST BANTA ROAD (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23

The J.C. Hart Company, Inc., by Michael C. Cook, requests rezoning of 9.8 acres, from the D-A, D-2 and D6-II Districts, to the D-7 classification to provide for multi-family residential uses.

SPECIAL ORDERS - PUBLIC HEARING ON PROPOSED BUDGETS

President Gray called for public testimony on the following budget ordinances and resolutions, but stated that no action is scheduled to be taken by the Council this evening:

PROPOSAL NO. 336, 2007. The proposal adopts the annual budget for the Police Special Service District for 2008. PROPOSAL NO. 337, 2007. The proposal adopts the annual budget for the Fire Special Service District for 2008. PROPOSAL NO. 338, 2007. The proposal adopts the annual budget for the Solid Waste Collection Special Service District for 2008. PROPOSAL NO. 339, 2007. The proposal adopts the annual budget for the Metropolitan Emergency Communications Agency for 2008. PROPOSAL NO. 340, 2007. The proposal adopts the annual budget for the Revenue Bonds Debt Service Funds for 2008. PROPOSAL NO. 341, 2007. The proposal adopts the annual budget for the Marion County Office of Family and Children for 2008. PROPOSAL NO. 342, 2007. The proposal adopts the annual budget for Indianapolis and Marion County for 2008.

Robert Yahara, small business owner in District 6, stated that businesses are also impacted by the rising taxes, not just residences. He said that his property taxes raised approximately 22%, over \$4,000. While he lives in Hendricks County, the property taxes here in Marion County affect businesses also, and so he is therefore affected by the City budget even though he does not live within the City limit.

Greg Ballard, Pike Township resident, stated that rising taxes are weighing on the minds of citizens and must be addressed. He said that relief can be provided by reducing City spending.

He said that government should try not to raise the budget and asked if in these financially trying times if the City can afford frivolous items like \$4,000 trash cans. He added that the Council members could also waive their pay until the end of the year to help out with this crisis.

Dave Smith, Woodruff Place resident on the east side of Indianapolis, stated that there has not been much talk about efficiencies, and that should be explored before taxes are raised. He said that he had to recently go to four different departments within the City (Preservation Commission, Recorder, Surveyor, Permits) just to build a garage on his property. He said that this could all be handled in one area and streamlined with efficiencies and better software. He said that full-time staff would not then be needed in four different offices. He added that he does, however, appreciate funding for police officers.

Adam Longworth, resident of the far eastside, stated that hindsight is 20/20, the City went from \$2.2 million to \$76.5 million spending in bonds. While he understands the need sometimes for tax abatements, way too many are being offered. He added that the law enforcement consolidation has not worked out well and has not been good for the City. The City has 64 taxing districts, all of which can raise taxes, and the right hand does not know what the left hand is doing. He said that spending needs to be controlled, as this year's budget is \$3.1 million more than last year's.

Jay Allen, citizen, stated that he bought a house in Marion County 12 years ago, and the taxes have gone from \$700 to \$4,000 a year, and he cannot afford this type of increase. He said that this body was elected to solve problems, and the buck stops here. He said that senior citizens cannot sell their homes but cannot afford to keep them, either. He said that if this body does not do something, they will not have any homeowners left. It is their responsibility to fix the situation. He said that they should rely more on income tax and abolish property taxes or base them on the ability to pay, so that the older citizens are not overburdened.

Jack Borgerding, resident of East Vermont Street, stated that there are some significant problems that this City faces that cannot be solved by local government. However, this body approves every penny spent in Marion County and he begged them to be good stewards of the dollars. He said that cutting \$13 million of a \$1.1 billion budget is just a little over 1% and is not enough. He said that he believes it can be cut 10% without sacrificing services. He said that the City needs to base pay on performance with measurable goals and the power to tax is the power to destroy.

Michael Howland, president and chief executive officer of Noble of Indiana, asked the Council to affirm the Community Affairs Committee's recommendation to fund Noble at the same rate as 2007. He explained some of the services Noble provides and added that Noble clients earn \$1.8 million annual in wages, which contributes to the tax base.

John Durkott, chairman of the board for Noble of Indiana, thanked the Council for their support for Noble and encouraged them to continue. He said that Noble has been an excellent steward of the funds they receive and are doing more with the same amount of money by becoming more efficient. While reducing staff salaries, they have managed to serve the same clients, as well as add more.

Jessica Green, lifelong resident of Indianapolis and Noble client, said that Noble provides inclusion and normalization for her and she looks at the future positively without limitations. She said that Noble helped her to live on her own and she could not have gone to college without Noble's help. She said that without this organization, her life would not be the same and she has a life of value and accomplishment because of them.

Gayle Foy, Washington Township resident and mother of 33-year old Noble client, thanked the Council for past funding and asked them to continue supporting Noble of Indiana. The work that Noble does reduces the burden on the County, as her son, who has Downs Syndrome, is a tax-paying citizen and could not be without Noble's support.

Tracie Wells, Washington Township small business owner, stated that she is a single mother and understands the tax issues, but asked that the Council continue to support Noble of Indiana.

Kathie Church, Washington Township resident, stated that there have been 1,659 foreclosures in Marion County in one month, on target for more than 12,000 before the end of the year. She said that in the past 5 years, foreclosure rates have grown on residential properties, while \$800 million worth of property has been taken off the tax rolls because of tax exemptions being granted. She said that 46% of new homes remained unsold in July, and the City's bond rating has eroded. She asked the Council to take a close look at what is happening to this City and do something to fix this downward spiral.

Timothy Maguire, Pike Township resident and City-County Council candidate, stated that if he passed a budget like this, his wife would take the checkbook away from him. He said that the City is spending \$11 million in rent for downtown buildings and are spending negative money. He said that revenues are up 7% overall, yet the City still has a \$19 million deficit next year. He said that more explanation needs to be provided for subobject 390, other services and charges, as this is a \$63 million line item which is not accounted for.

Mike Bowman, Pike Township resident, stated that there are many line items that could still be cut. He said that \$2 million was spent on cameras, but there is no accounting for where they are or who is monitoring them. He said that the Council could be more efficient with their spending.

Laura Hile, Washington Township resident, stated that she attended a property tax forum last night and the thought seemed to be that property taxes is the state's responsibility, but there is plenty of blame to go around. She said that she cannot fathom how this body could pass a County Option Income Tax increase when people are suffering so from property tax increases. She said that she cannot understand why this body would think so little of their constituency that they would hurt them further by doing something like that.

Abu Henderson, citizen, stated that the Council is not thinking of the citizens. He said that there are nine assessors, each making \$65,000 a year, and only three are needed. He said that only one election is needed, instead of two, which would also save money. He said that there is no accountability for other taxing districts, like school boards.

Larry Vaughn, Center Township resident, stated that senior citizens cannot pay the taxes and there have been some instances of them taking their own lives because they cannot face losing their homes. He said that \$1.10 billion has been offered in tax abatements, while seniors are contemplating suicide. He said that these are illegal. He added that Deputy Mayor Steve Campbell makes \$120,000 a year and does not pay property taxes, yet an 84-year-old with a fixed income has a property tax bill that went from \$1,600 to \$4,000. He said that the tax abatement practice needs to stop.

Ron Kautsky, district representative for Firefighters Local Union 416, asked the Council to support the fire portion of the public safety budget. He said that these individuals keep the City

August 27, 2007

safe and offer efficient fire service, even moreso with the merger of two township fire departments into the Indianapolis Fire Department.

Tom Hanify, president of Firefighters Local Union 416, stated that he has been a firefighter for 27 years and he asked the Council to support Proposal No. 337, 2007 in order to provide essential protection for the community.

Christine Altman, resident of Hamilton County and president of the Central Indiana Regional Transit Authority, asked the Council to support the joint regional effort to deliver transportation and share Metropolitan Planning Organization funds.

Dave Cartfield, Washington Township resident, stated that the 2008 budget includes public support for sports venues, arts, library and economic development, and some of these items can be eliminated from the budget and other dollars solicited instead of taxpayers' dollars. He said that township assessors are another area that can be considered unnecessary. He said that Welfare and Child Protection Services also needs to be investigated and looked at further for more reductions.

President Gray thanked all those present for their testimony and stated that the Committees will take their remarks into consideration during their budget deliberations.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 310, 2007. Councillor Conley reported that the Public Works Committee heard Proposal No. 310, 2007 on July 31, 2007. The proposal was returned to Committee on August 6, 2007 and was again heard on August 16, 2007 by the Public Works Committee. The proposal, sponsored by Councillors Conley, Moriarty Adams and Keller, approves an increase of \$1,650,000 in the 2007 Budget of the Department of Public Works, Indianapolis Fleet Services Division (Consolidated County Fund) to purchase 66 police cars for use by the Indianapolis Metropolitan Police Department, financed by a transfer of cash from the Redevelopment TIF Revenue Bonds Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

President Gray called for public testimony at 8:20 p.m. There being no one to testify, Councillor Conley moved, seconded by Councillor Moriarty Adams, to strike. Proposal No. 310, 2007 was stricken on the following roll call vote; viz:

24 YEAS: Bateman, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
3 NOT VOTING: Borst, Pryor, Randolph
1 ABSENT: Langsford

SPECIAL ORDERS - FINAL ADOPTION

Councillor Sanders reported that the Administration and Finance Committee heard Proposal Nos. 300 and 301, 2007 on July 31 and August 21, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 300, 2007. The proposal, sponsored by Councillor Sanders, appropriates bond proceeds from the Property Tax Relief Bond issue to provide additional homestead credits for

2007. PROPOSAL NO. 301, 2007. The proposal, sponsored by Councillor Sanders, amends Fiscal Ordinance No. 89, 2006 to thereby provide additional homestead credits for 2007. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they be stricken. Councillor Sanders moved, seconded by Councillor Gibson, to strike. Proposal Nos. 300 and 301, 2007 were stricken on the following roll call vote; viz:

27 YEAS: Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
1 ABSENT: Langsford

PROPOSAL NO. 329, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 329, 2007 on August 7, 2007. The proposal, sponsored by Councillors Sanders, Nytes and Keller amends the Code to transfer from the office of corporation counsel to the office of finance and management the powers and duties with respect to the collection of city or county receivables. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 329, 2007 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
1 ABSENT: Langsford

Proposal No. 329, 2007 was retitled GENERAL ORDINANCE NO. 42, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to transfer from the office of corporation counsel to the office of finance and management the powers and duties with respect to the collection of city or county receivables.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 202-104 of the "Revised Code of the Consolidated City and County," regarding the powers and duties of the office of corporation counsel with respect to collections, hereby is REPEALED.

SECTION 2. Article III of Chapter 202 of the "Revised Code of the Consolidated City and County," regarding the office of finance and management, hereby is amended by the addition of a NEW Section 202-206, to read as follows:

Sec. 202-206. Revenue enhancement division.

The office of finance and management shall include a revenue enhancement division, the powers and duties of which shall include:

- (1) Acting as the agent in collecting receivables of any nature for city departments or divisions or county offices. Any such department, division or office may, at its option, request the assistance of the revenue enhancement division in establishing collection procedures and in pursuing any outstanding receivables;
- (2) Establishing such collection procedures as may be in the best interest of the city and the county;

August 27, 2007

- (3) Collecting from debtors owing receivables to any department, division or office of the city or county the costs of such collection activities, on behalf of the revenue enhancement division and such department, division or office, as allowed by law;
- (4) Contracting with collection agencies and such other service providers as the controller deems appropriate to pursue the purposes of this section; and,
- (5) Exercising any other powers that may be granted by statute or ordinance or delegated by the mayor.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 330, 2007. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 330, 2007 on August 13, 2007. The proposal, sponsored by Councillors Nytes and Keller, approves the issuance of Redevelopment District Bonds not to exceed \$5,000,000 for certain local public improvements in the designated Martindale Industrial Redevelopment Area. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst asked if these bonds have to be backed by something. Barbara Lawrence, director of the Bond Bank, stated that these are preliminary bond anticipation notes and they will be paid down with insurance revenue, tax increment financing revenue and a state grant. Councillor Borst asked if there will be capitalized interest. Ms. Lawrence said that there will be.

Councillor Nytes said that this is greatly needed in order to get abandoned sites back on the tax rolls to increase property tax revenues. Councillor Gibson agreed and said that this is one of the worst brownfields in the County.

Councillor Mahern moved, seconded by Councillor Gibson, for adoption. Proposal No. 330, 2007 was adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Bateman, Randolph
1 ABSENT: Langsford

Proposal No. 330, 2007 was retitled GENERAL RESOLUTION NO. 12, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 2007

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Redevelopment District Bonds of 2007, Series ____," in an original aggregate principal amount not to exceed Five Million Dollars (\$5,000,000).

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "Redevelopment District"), has previously designated an area in the City of Indianapolis, Indiana known as the Martindale Industrial Redevelopment Area (the "Area") to be a redevelopment project area and tax increment finance allocation area within the meaning of Indiana Code 36-7-15.1 (the "Act"); and

WHEREAS, the Commission is expected to undertake certain local public improvements in the Area, such local public improvements include without limitation land acquisition, structural demolition, and environmental clean-up (the "Projects"); and

WHEREAS, it is expected that the Commission will adopt a bond resolution authorizing the issuance of special taxing district bonds of the Redevelopment District to be designated as "City of Indianapolis, Indiana, Redevelopment District Bonds of 2007, Series ____," (the "Bonds") in the original aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) for the purpose of procuring funds to apply to the costs of the Projects, the principal of and interest on which shall be payable from incremental increases in assessed value of certain real and personal property in the Area and any other available revenues of the Commission; and

WHEREAS, pursuant to IC 36-3-5-8, the City-County Council now finds that the issuance of said special taxing district bonds should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve the issuance of special taxing district bonds of the Redevelopment District, to be designated as "City of Indianapolis, Indiana, Redevelopment District Bonds of 2007, Series ____," in an original aggregate principal amount not to exceed Five Million Dollars (\$5,000,000).

SECTION 2. The City-County Council does hereby acknowledge and approve (a) the issuance of bonds by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank Bonds") to fund the purchase of the Bonds; and (b) the establishment and funding of a Debt Service Reserve Fund to support the Bond Bank Bonds that will be subject to the provisions of IC 5-1.4-5-1 and Special Ordinance No. 67, 1985, previously adopted by the Council on October 28, 1985

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 332, 2007. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 332, 2007 on August 8, 2007. The proposal, sponsored by Councillor Moriarty Adams, amends the Code to add fees for registrations and address changes of sex or violent offenders. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Vaughn asked if an offender is found indigent if the court will pay the fee or waive it. Councillor Moriarty Adams said that if the offender can prove indigency to the court, the fee is waived.

Councillor Pfisterer asked if fees go to the General Fund or to a designated fund. Councillor Moriarty Adams said that she believes they go into the General Fund. Robert Clifford, City Controller, stated that they go into the General Fund, as they were not asked to set up a special fund. Councillor Pfisterer asked if all these fees will be used to fund that specific activity. Mr. Clifford said that he has not seen any analysis that indicates there would be any surplus in fees.

Councillor Pfisterer asked if they arrived at the amount of fees through a cost-based analysis. Mr. Clifford said that the State set the fee.

Councillor Mansfield said that she believes there are constitutional issues related to this proposal and unintended consequences. A similar ordinance passed previously and a lawsuit was won where the City paid \$40,000 to resolve. She said that the fee discourages offenders from registering as an unintended consequence.

Councillor Schneider said that he is not sure that the revenue collected will cover the administrative function of this activity, and a fund should be established to collect that revenue. Mr. Clifford the Sheriff's Department is charged with setting up and maintaining this registry and the State allows them to charge a fee. Councillor Schneider asked what the fee is that was set by the proposal. Councillor Moriarty Adams stated that it is \$50 initially, with a \$5 charge for address change, and this is set by State statute.

Councillor Vaughn asked if State statute does not require that a separate fund be set up. Mr. Clifford said that it does not.

Councillor Borst asked how it will be enforced and if this proposal has any actual teeth. Councillor Moriarty Adams said that the local law enforcement will have the responsibility of enforcing the registry.

Councillor Nytes asked if the \$50 is an annual fee or just initial fee when a person is released from prison. Councillor Moriarty Adams stated that the fee is per calendar year.

Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 332, 2007 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Boyd, Brown, Cain, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
5 NAYS: Borst, Cockrum, Franklin, Mansfield, Nytes
1 ABSENT: Langsford

Proposal No. 332, 2007 was retitled GENERAL ORDINANCE NO. 43, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code as authorized by IC 36-2-13-5.6, adding fees for registrations and address changes of sex or violent offenders.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article I of Chapter 131 of the "Revised Code of the Consolidated City and County" regarding fees in general, hereby is amended by the addition of a NEW Section 131-112, to read as follows:

Sec. 131-112. Sex or violent offender fees.

(a) The Indianapolis metropolitan police department shall charge a fee in the amount of fifty dollars (\$50.00) to each sex or violent offender who registers with the department pursuant to IC chapter 11-8-8 or IC 36-2-13-5.5. This fee shall be due and payable at the time of registration; however, the department shall collect this fee from each registrant only one time per calendar year.

(b) The Indianapolis metropolitan police department shall charge a fee in the amount of five dollars (\$5.00) to each sex or violent offender who registers an address change with the department. This fee shall be due and payable at the time of registration, each time a sex or violent offender registers an address change.

(c) The Indianapolis metropolitan police department shall transfer all sex or violent offender fees it collects to the county auditor. The county auditor shall establish a special revenue fund to be known as the "County Sex and Violent Offender Administration Fund," and on a monthly basis deposit ninety percent (90%) of the collected fees in such fund. The county auditor on a monthly basis shall transfer ten percent (10%) of the collected fees to the state treasurer for deposit in the state sex and violent offender administration fund.

(d) The city-county council may appropriate money from the fund established in this section to an agency or organization involved in the administration of the sex and violent offender registry, to defray the expense of administration or to ensure compliance with the laws concerning the Indiana sex and violent offender registry.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 360, 2007. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 360, 2007 on August 22, 2007. The proposal, sponsored by Councillor Moriarty Adams, elects to fund MECA in 2008 with County Option Income Tax (COIT) Revenues. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Conley, for adoption. Proposal No. 360, 2007 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Franklin

1 ABSENT: Langsford

Proposal No. 360, 2007 was retitled SPECIAL ORDINANCE NO. 7, 2007, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 2007

A SPECIAL ORDINANCE electing to fund MECA in 2008 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the city-county council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

August 27, 2007

WHEREAS, to make such an election for 2008, the city-county council, prior to September 1, 2007, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The city-county council hereby elects to fund the operation of the District through MECA in 2006 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is as follows:

Reimburse Sheriff's Department for emergency dispatch operations	\$7,871,675
Reimburse Indianapolis Fire Dept for emergency dispatch operations	<u>\$2,028,325</u>
TOTAL	\$9,900,000

SECTION 3. Upon adoption, the clerk of the council shall immediately forward a copy of this ordinance to the county auditor.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 333, 2007. Councillor Conley reported that the Public Works Committee heard Proposal No. 333, 2007 on August 16, 2007. The proposal, sponsored by Councillors Conley, Keller, Mansfield and Nytes, approves the issuance of Indiana Waterworks District Revenue Bonds not to exceed \$125,000,000 to fund various water-related projects throughout Marion County.

Councillor Schneider said that he was opposed to the purchase of the Water Company in 2001 and this is just a delay of the inevitable and he will be voting against this as well.

Councillor Vaughn asked if this bond will be paid by a rate increase and user fees and not taxes. Councillor Conley said that this is correct.

By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 333, 2007 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Pryor, Sanders, Vaughn
4 NAYS: Lutz, Plowman, Schneider, Speedy
1 NOT VOTING: Randolph
1 ABSENT: Langsford

Proposal No. 333, 2007 was retitled GENERAL RESOLUTION NO. 13, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2007

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Revenue Bonds and, if necessary, one or more bond interest rate agreements related to the bonds in an aggregate principal amount not to exceed One Hundred Twenty-Five Million Dollars (\$125,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Directors of the Department of Waterworks of the City of Indianapolis, Indiana (City), being the governing body of the Waterworks District of the City (Waterworks District),

has adopted a supplemental bond resolution, in substantially final form (Bond Resolution), authorizing the issuance of revenue bonds of the Waterworks District (Bonds) to be issued in one or more series and bond interest rate agreements related to the Bonds, in the aggregate principal amount not to exceed One Hundred Twenty-Five Million Dollars (\$125,000,000), for the purpose of procuring funds to apply to the costs of the projects specified in Exhibit A (Projects) and related costs; and

WHEREAS, IC 36-3-5-8 requires the City-County Council of Indianapolis and of Marion County, Indiana (City-County Council) to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, the Waterworks District is a special taxing district of the City pursuant to statute, but the Waterworks District does not intend to levy any property taxes in the Waterworks District; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the Waterworks District, as a department of the City created by General Ordinance No. 112, 2001, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (Bond Bank); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank and to enter into bond interest rate agreements related to the Bonds; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and entry into bond interest rate agreements related to the Bonds by the Waterworks District should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. The City-County Council does hereby approve the issuance and sale to the Bond Bank of the Bonds of the Waterworks District, to be issued in one or more series, and entry into bond interest rate agreements related to the Bonds, in an aggregate principal amount not to exceed One Hundred Twenty-Five Million Dollars (\$125,000,000) to apply on the costs of the Projects, payable solely from the revenues of the waterworks as specified in the Bond Resolution, which is incorporated herein by reference.

SECTION 2. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

President Gray thanked the public for a smooth process regarding budget testimony and invited them to continue to attend Committee hearings.

Councillor Sanders stated that the Administration and Finance Committee will be held at the Christian Theological Seminary at 5:00 p.m. tomorrow. Councillor McWhirter asked if there are other budget meetings being held outside of the City-County Building. Councillor Sanders said that she does not know. Councillor McWhirter asked the reason why the assessors budget only is being heard outside of the building. Councillor Sanders said that she would prefer that all be held out of the building.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Lawrence M. Borst, Sr.; and
- (2) Councillor Borst in memory of Dorothy Quebe and William Quebe; and

August 27, 2007

- (3) Councillors Boyd and Gray in memory of Helen Procotor Pollard; and
- (4) Councillors Pfisterer, Franklin and Plowman in memory of Jerold Schlangen, Buford Marcy and William E. Clark; and
- (5) Councillors Pfisterer, Brown, Randolph, Langsford, Gray and Nytes in memory of Frank Denzio and Jack Downey; and
- (6) Councillor Pfisterer in memory of Dick Brown; and
- (7) Councillor Boyd in memory of Tommy Downs; and
- (8) Councillor Lutz in memory of Charles V. Poynter; and
- (9) Councillor Day in memory of Mary Ziegler.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Lawrence M. Borst, Sr., Dorothy Quebe, William Quebe, Helen Procotor Pollard, Jerold Schlangen, Buford Marcy, William E. Clark, Frank Denzio, Jack Downey, Dick Brown, Tommy Downs, Charles V. Poynter, and Mary Ziegler. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:53 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 27th day of August, 2007.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)